

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Monroe R. Parker, Jr.,)
Plaintiff,) C/A No. 4:07-0037-MBS
vs.)
Beaufort County Sheriff's Department,)
et al.,)
Defendants.)

)

O R D E R

Plaintiff Monroe R. Parker, Jr., proceeding pro se, brought this action on January 4, 2007 pursuant to 42 U.S.C. § 1983. He filed an amended complaint on February 15, 2007, and a second amended complaint on July 5, 2007.

This matter is before the court on motion for summary judgment filed by Defendant R. Snipes on May 23, 2008. On May 28, 2008, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed no response to Defendant Snipes' motion for summary judgment.

This matter also is before the court on motion for summary judgment filed by Defendant J.T. Harrison, III on May 30, 2008. On June 2, 2008, a second Roseboro order was issued. Plaintiff filed no response to Defendant Harrison's motion for summary judgment.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On September 10, 2008, the Magistrate Judge issued a Report and Recommendation in which he noted that Plaintiff

had failed to respond to the motions for summary judgment. Thus, the Magistrate Judge recommended that Plaintiff's claims against Defendants Snipes and Harrison be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. The Magistrate Judge also noted that Defendants Lemon, Goins, Wise, and Blalock had not been served because Plaintiff had not returned USM 285 Forms to the court as to Defendants Lemon, Goins, and Blalock, and because the summons addressed to Defendant Wise was returned unexecuted. The Magistrate Judge also recommended that these Defendants be dismissed pursuant to Rule 41(b) for failure to prosecute. Plaintiff filed no response to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendants Snipes, Harrison, Lemon, Goins, Wise, and Blalock are dismissed with

prejudice pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

October 20, 2008.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.